

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
FILED
CLERKS OFFICE

JOSEPH P. SCHMITT,
Plaintiff,

2006 JUL 18 P 2:47

v.
ROBERT MURPHY, et al.,
Defendants.

U.S. DISTRICT COURT CIVIL ACTION NO.
DISTRICT OF MASS 05-11348-NG

EMERGENCY MOTION FOR COURT ORDER

Now comes the pro se plaintiff in the above captioned matter and moves this court for an emergency court order against the defendants to mail plaintiff's legal mail related to this action free of cost because said plaintiff has only \$.67 on his account and meet the criteria of 103-CMR-481 Inmate Mail, specifically insofar as indigent mailings. See 103-CMR-481.06 the superintendent has the authority to waive the 60 day time period.

As grounds for this above motion plaintiff states the following facts.

1. Plaintiff has only \$.67 on his account and has no foreseeable income.
2. Plaintiff has been declared indigent in this action.
3. Plaintiff has, on countless occasions attempted to mail his clearly marked legal mail as being indigent with free postage and has been denied.
4. Plaintiff has filed several emergency grievances over the fact that he is being deprived access to the courts by having his mail refused postage by officials at the Treatment Center.
5. Defendant Robert Murphy is the superintendent of this facility and has outright denied plaintiff's written and verbal requests to have the 60 day time period be waived so his legal mail may be mailed. Robert Murphy has stated to this plaintiff that "he will not waive the time period simply so plaintiff can sue him and others at this facility and or officials of the Dept. of Correction.

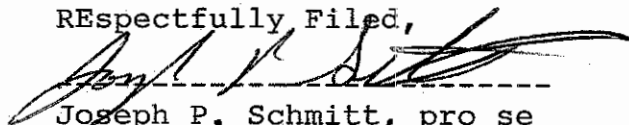
6. Plaintiff has a court order to provide the United States Marshals Office with summonses and complaints for each defendant so as service may be conducted. Plaintiff is unable to comply with this order because he is too poor to pay the postage required to mail said packages to the US Marshals Office.

7. Plaintiff is being denied access to the courts because the defendant, Robert Murphy is denying him free postage. This involves not only this action but one other case before this Judge, three cases before the US Court of Appeals, three cases before the Plymouth Superior Court, One case before Worcester Superior Court, One case before the Suffolk Superior Court, and five cases before Judge Rya W. Zobel at the USDC. Robert Murphy's unjustified denial to plaintiff's lawfull request for free legal postage has a huge impact on said plaintiff's rights to access the courts and to prosecute his law suits.

WHEREFORE, plaintiff prays this court ORDER the Department of Correction and/or Robert Murphy at the Treatment Center in Bridgewater to process plaintiff's legal mailing pertaining to this action, and/or all legal mailings, as well as mail consisting of service to named defendants/Department of Correction officials.

Dated: July 17,2006

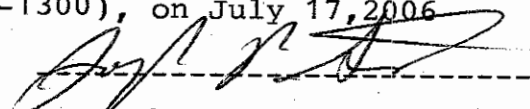
REspectfully Filed,



Joseph P. Schmitt, pro se
30 Administration Road
Bridgewater, Massachusetts
02324-3230

CERTIFICATE OF SERVICE

I, Joseph P. Schmitt, hereby states under pains and penalties of perjury that a true copy of this motion was placed in the facility mail box, (with F.P. marked in the upper right corner to indicate FREE POSTAGE being requested so said mail can be mailed to the Department of Correction Legal Division at 70 Franklin Street, Ste. 600, Boston Massachusett 02110-1300), on July 17,2006



Joseph P. Schmitt, pro se